

Message Text

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16

ACTION DLOS-07

INFO OCT-01 ARA-16 ISO-00 AF-10 EA-11 EUR-25 NEA-14 RSC-01

CG-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00

NSC-07 PA-04 PRS-01 SP-03 SS-20 USIA-15 OIC-04 AID-20

CEQ-02 COA-02 COME-00 EB-11 EPA-04 IO-14 NSF-04

SCI-06 FEA-02 ACDA-19 AEC-11 AGR-20 DOTE-00 FMC-04

INT-08 JUSE-00 OMB-01 DRC-01 /291 W

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R 012141Z JUL 74

FM AMEMBASSY CARACAS

TO SECSTATE WASHDC 4431

INFO AMEMBASSY QUITO

AMEMBASSY LIMA

AMEMBASSY SAN JOSE

AMEMBASSY SANTIAGO

AMEMBASSY MEXICO

C O N F I D E N T I A L CARACAS 6011

FROM: US DEL LOS

TAGS: PLOS

E.O. 11652: GDS

SUBJECT: LOS: TALKS WITH PERUVIAN LOS REPRESENTATIVES ON TUNA

PARTICIPANTS:

AMB. JOHN R. STEVENSON - CHAIRMAN OF DELEGATION

AMB. DONALD L. MCKERNAN - ALTERNATE REPRESENTATIVE, US DELEGATION

BERNARD H. OXMAN - ALTERNATE REPRESENTATIVE, US DELEGATION

HOWARD POLLOCK - ALTERNATE REPRESENTATIVE, US DELEGATION

MORRIS D. BUSBY - S/FW-COA, DEPT OF STATE

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PLACE: US DELEGATION OFFICE, PARQUE CENTRAL, CARACAS

REPRESENTATIVES OF THE TWO DELEGATIONS MET FOR ONE HOUR TO DISCUSS AREAS OF POSSIBLE ACCOMMODATION ON THE ECONOMIC ZONE ISSUE, IN PARTICULAR TREATMENT OF HIGHLY MIGRATORY SPECIES, AND TO EXPLORE THE FEASIBILITY AND DESIRABILITY OF CONTINUING DISCUSSIONS.

FOLLOWING AN INTRODUCTORY STATEMENT BY AMBASSADOR STEVENSON CONCERNING PROSPECTS FOR THE ECONOMIC ZONE NEGOTIATION AT THIS SESSION OF THE LOS CONFERENCE, THE PERUVIANS STATED THEY WOULD BE HAPPY TO TALK WITH THE U.S., BUT WISHED TALKS TO BE LIMITED TO AN EXCHANGE OF VIEWS UNTIL IT WAS CLEARER HOW THE NEGOTIATIONS WERE PROCEEDING. THEY WENT ON TO MAKE CLEAR THAT THEY ARE NOT ABANDONING THEIR PRESENT POSITION IN FAVOR OF AN ECONOMIC ZONE AT THIS TIME. HOWEVER, THEY ASKED FOR CLARIFICATION OF THE U.S. POSITION AS REGARDS THIS ISSUE. THE U.S. SIDE INDICATED A WILLINGNESS TO NEGOTIATE ON THE BASIS OF A 200-MILE ECONOMIC ZONE SO LONG AS THERE WAS A NEGOTIATION ON THE JURISDICTIONAL CONTENT AND BALANCE OF RIGHTS AND DUTIES IN THE ZONE, AND FURTHER TO USE SUCH A CONCEPT AS THE BASIS FOR U.S./PERUVIAN TALKS.

FOLLOWING THIS EXCHANGE, THE DISCUSSION WAS TURNED TO THE QUESTION OF AN EXCEPTION FOR TUNA. THE PERUVIAN REPRESENTATIVES FELT THERE WAS A TREND IN THE NEGOTIATION TOWARD SPECIAL TREATMENT FOR CONSERVATION OF TUNA, AND INDICATED AN UNDERSTANDING OF THE RATIONALE FOR SUCH A REGIME. THEY DID, HOWEVER, STATE THAT THERE WAS ALSO A STRONG MOVE FOR COASTAL STATE JURISDICTION INCLUDING LICENSING FOR TUNA, AND IT WOULD BE DIFFICULT FOR THEM TO ACCEPT ANY JURISDICTION BY AN INTERNATIONAL OR REGIONAL ORGANIZATION WITHIN THE ZONE, SINCE THE PRACTICAL EFFECT OF THIS WAS TO CREATE A "NOMINAL JURISDICTIONAL REGIME" OR A ZONE WITHOUT ANY REAL CONTENT. THE PERUVIAN REPRESENTATIVES WENT ON TO SAY THAT THEY FELT THE REAL ISSUE BETWEEN PERU AND THE U.S. WAS THAT OF LICENSING OF FOREIGN FISHING. THE PERUVIAN POSITION IS NOT MEANT TO RESTRICT OR DENY FOREIGN FISHING NOR DO THEY DESIRE TO AVOID INTERNATIONAL CONSERVATION

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MESURES, BUT THEY FELT STRONGLY THAT LICENSING IS A FORM OF COASTAL STATE EXERCISE OF SOVEREIGNTY AND AS SUCH THE COASTAL STATE IS ENTITLED TO SOME REMUNERATION FOR ALLOWING FOREIGN FISHING IN ITS ZONE. THEY LISTENED ATTENTIVELY TO A U.S. PRESENTATION ON A POSSIBLE ROYALTY SYSTEM APPLIED BY AN INTERNATIONAL COMMISSION, BUT MADE NO SUBSTANTIVE COMMENT.

THE PERUVIANS UNDERSTOOD THE IMPLICATIONS OF

LICENSING FOR THEIR RAPIDLY DEVELOPING TUNA FISHERY AS IT MIGHT APPLY TO THEM FISHING OFF THE COASTS OF THEIR NEIGHBORS, BUT STATED THEY WERE WILLING TO PURCHASE LICENSES TO FISH IN OTHER COUNTRIES' ZONES.

IN DISCUSSING THE CONSERVATION AND ALLOCATION ASPECTS OF POSSIBLE TUNA REGIME, THE PERUVIAN REPRESENTATIVES STATED FLATLY THAT THEY THOUGHT THEIR OVERALL INTERESTS COULD BE ACCOMMODATED WITHIN THE FRAMEWORK OF AN INTERNATIONAL OR REGIONAL CONSERVATION ORGANIZATION, BUT INDICATED CONCERN OVER HOW THE COASTAL STATE'S INTERESTS AND JURISDICTION MIGHT BE PROTECTED WITHIN SUCH A BODY. THEY ARE PARTICULARLY CONCERNED ABOUT THE AUTHORITY TO SET CATCH QUOTAS, AND DID NOT RESPOND TO A SUGGESTION THAT THE INTERNATIONAL ORGANIZATION MIGHT DO IT IN AGREEMENT WITH THE COASTAL STATE. THE PERUVIANS STATED THAT THEY WERE STILL DEVELOPING THEIR POSITION AND SUGGESTED THAT THE U.S. REPRESENTATIVES MIGHT CONTACT DR. JORGE SANCHEZ ROMERO OF THEIR DELEGATION WHO IS WORKING ON THIS ISSUE.

THE U.S. REPRESENTATIVES INDICATED THAT A MAJOR CONCERN OF THE U.S. AND OTHER COUNTRIES IS THE NATURE OF THE ENFORCEMENT REGIME. IN PARTICULAR, IT WAS POINTED OUT THAT TRIAL AND PUNISHMENT BY THE COASTAL STATE IS AN EXPLOSIVE ISSUE AND ALTERNATIVES SHOULD BE EXPLORED. THE PERUVIANS STATED THEY HAD NEVER IMPRISONED FISHERMEN, BUT THEY ARE OF THE VIEW THAT AS A MINIMUM THE COASTAL STATE MUST RETAIN THE RIGHT TO ARREST, PROSECUTE AND FINE OFFENDING VESSELS. THEY STATED THEY COULD ACCEPT COMMONLY-AGREED ENFORCEMENT STANDARDS SO LONG AS THEY RETAINED THESE ENFORCEMENT RIGHTS. STEVENSON
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